

REMARKS

The above amendments and following remarks are responsive to the points raised by the Examiner in the October 4, 2005 non-final Office Action. Upon entry of the above amendments, Claims 1, 15, 26, and 27 will have been amended and Claims 1, 3-9, 15, 17-23, 26, and 27 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 1, 3-9, 15, 17-23, 26, and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,864,408 to Kumashiro (Kumashiro) in view of US Patent 5,995,243 to Kerschner (Kerschner). Applicants traverse this rejection.

Independent Claim 1 has been amended to recite an image reading apparatus including, inter alia, an image sensor, a first reference member, a second reference member, a timer, and a controller adapted to determine whether the time measured by the timer reaches a predetermined time, and in a case where the predetermined time has elapsed:

“control said image sensor to scan said second reference member illuminated by said light source only once for acquiring shading correction data in a main scanning direction.”

The amendments to independent Claims 15, 26, and 27 are consistent with the amendments to Claim 1. Neither Kumashiro nor Kerschner, either alone or in combination, teach, suggest, or otherwise render obvious, the invention as recited in Claims 1, 15, 26, and 27.

As previously discussed, both Kumashiro and Kerschner disclose to repeatedly update shading correction data. Whereas, in the present invention, the shading correction data is updated only once since the light source is turned on, and it is when a predetermined time has

passed since the light source is turned on.

In contrast, Kumashiro discloses a first reference white plate 14 located at a read position in the stationary reading mode, and a second reference white plate 20, located near a left side of the pressure plate 3, used when the moving reading mode is selected. The second reference white plate 20 is read by the contact image sensor 21 each time the predetermined number of original documents are read, and shading correction data is updated. When many original documents are to be consecutively read by the Kumashiro arrangement, the second reference white plate 20 is repeatedly read even after a decent time has passed since the light source is turned on and the quantity of light is stabilized. Since reading of the second reference white plate 20 and generation of the shading correction data take considerable time, these operations after the quantity of light is stabilized waste considerable time. As the number of original documents increases, the loss of time also increases.

Kerschner discloses a hand-held scanner which incorporates a white level reference mark to correct the white level of image signals while reading images. As the Examiner has noted, the illumination conditions of the Kerschner scanner is calibrated periodically. As such, Kerschner includes no secondary teaching or suggestion that would motivate one of ordinary skill in the art, at the time the invention was made, to modify Kumashiro, as suggested by the Examiner, and arrive at the subject matter recited in Applicants' claims. Notwithstanding the above comments, the Examiner, on Page 1 of the October 4, 2005 non-final Office Action, states that the:

“Examiner agrees that the prior art of record does not teach reading the second reference member *only once*, as taught in the present specification, but instead teaches repeated reading of said second reference member.”

In view of the above discussion, the subject matter recited in independent Claims 1, 15, 26, and 27 are distinguished over Kumashiro and Kerschner, either alone or in combination. The

subject matter of dependent Claims 3-9 and 17-23 is likewise distinguished over Kumashiro and Kerschner, either alone or in combination, for at least the same reasons as their respective base Claims 1 and 15.

Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

Applicant respectfully submits that Claims 1, 3-9, 15, 17-23, 26, and 27 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this response to Office Action to Deposit Account No. 13-4500, Order No. 1232-4675.

Respectfully submitted,
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